

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 253 be amended to read as follows:

- 1 Page 2, between lines 26 and 27, begin a new paragraph and insert:
- 2 "SECTION 3. IC 35-42-2-1, AS AMENDED BY SEA 106-2004,
- 3 SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2004]: Sec. 1. (a) A person who knowingly or intentionally
- 5 touches another person in a rude, insolent, or angry manner commits
- 6 battery, a Class B misdemeanor. However, the offense is:
- 7 (1) a Class A misdemeanor if:
- 8 (A) it results in bodily injury to any other person;
- 9 (B) it is committed against a law enforcement officer or against
- 10 a person summoned and directed by the officer while the
- 11 officer is engaged in the execution of his official duty;
- 12 (C) it is committed against an employee of a penal facility or a
- 13 juvenile detention facility (as defined in IC 31-9-2-71) while the
- 14 employee is engaged in the execution of the employee's official
- 15 duty;
- 16 (D) it is committed against a firefighter (as defined in
- 17 IC 9-18-34-1) while the firefighter is engaged in the execution
- 18 of the firefighter's official duty; or
- 19 (E) it is committed against a community policing volunteer:
- 20 (i) while the volunteer is performing the duties described in
- 21 IC 35-41-1-4.7; or
- 22 (ii) because the person is a community policing volunteer;
- 23 (2) a Class D felony if it results in bodily injury to:
- 24 (A) a law enforcement officer or a person summoned and
- 25 directed by a law enforcement officer while the officer is
- 26 engaged in the execution of his official duty;
- 27 (B) a person less than fourteen (14) years of age and is
- 28 committed by a person at least eighteen (18) years of age;
- 29 (C) a person of any age who is mentally or physically disabled
- 30 and is committed by a person having the care of the mentally

- or physically disabled person, whether the care is assumed voluntarily or because of a legal obligation;
- (D) the other person and the person who commits the battery was previously convicted of a battery in which the victim was the other person;
- (E) an endangered adult (as defined in IC 12-10-3-2);
- (F) an employee of the department of correction while the employee is engaged in the execution of the employee's official duty;
- (G) an employee of a school corporation while the employee is engaged in the execution of the employee's official duty;
- (H) a correctional professional while the correctional professional is engaged in the execution of the correctional professional's official duty;
- (I) a person who is a health care provider (as defined in IC 16-18-2-163) while the health care provider is engaged in the execution of the health care provider's official duty;
- (J) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty;
- (K) a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty; or
- (L) a community policing volunteer:
- (i) while the volunteer is performing the duties described in IC 35-41-1-4.7; or
  - (ii) because the person is a community policing volunteer;
- (3) a Class C felony if it results in serious bodily injury to any other person or if it is committed by means of a deadly weapon;
- (4) a Class B felony if it results in serious bodily injury to a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age; ~~and~~
- (5) a Class A felony if it results in the death of a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;
- (6) a Class C felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2); and**
- (7) a Class B felony if it results in the death of an endangered adult (as defined in IC 12-10-3-2).**
- (b) For purposes of this section:
- (1) "law enforcement officer" includes an alcoholic beverage enforcement officer; and
  - (2) "correctional professional" means a:
    - (A) probation officer;
    - (B) parole officer;
    - (C) community corrections worker; or

- 1 (D) home detention officer."
- 2 Renumber all SECTIONS consecutively.  
(Reference is to SB 253 as printed January 23, 2004.)

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Senator LAWSON C